

Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan, Connaught Place, New Delhi – 110001

CIRCULAR

No. IBBI/IU/59/2023

16th June, 2023

To;

The creditors filing applications
(u/s 7 and 9 of the Insolvency and Bankruptcy Code, 2016),

The Information Utility
(u/s 210 of the Insolvency and Bankruptcy Code, 2016).

Dear Madam /Sir,

Subject: Application to initiate corporate insolvency resolution process under sections 7 or 9 of the Insolvency and Bankruptcy Code, 2016, along with record of the default issued by the Information Utility.

As you are aware, sections 7(3) and 9(3)(d) of the Insolvency and Bankruptcy Code, 2016 (Code) mandates the creditor to attach with the application the record of default issued by the Information Utility.

2. Further, the Board vide Notification No. IBBI/2022-23/GN/REG085, dated 14th June, 2022 inserted sub-regulation (1A) of the Regulation 20 in Insolvency and Bankruptcy Board of India (Information Utilities) Regulations, 2017 to mandate the Information Utility to process the financial information and issue the record of default to the creditor(s) so as to facilitate the creditors to attach the same with their insolvency applications under section 7 or 9 of the Code. The said regulation reads as follows:

“20. Acceptance and receipt of information.

(1A) Before filing an application to initiate corporate insolvency resolution process under section 7 or 9, as the case may be, the creditor shall file the information of default, with the information utility and the information utility shall process the information for the purpose of issuing record of default in accordance with regulation 21.”

3. Please note that Hon’ble NCLT has issued a general order dated 3rd April, 2023(copy enclosed) advising all the applicants under sections 7 and 9 of the Code to comply with the above regulation and to produce the record of default issued by Information Utility for effecting hearing of their cases.

4. Now in exercise of the powers conferred under section 196 (1)(t) read with section 188 of the Code, it is hereby further advised as a matter of general guidance that the record of default issued by the information utility shall be appended with the application filed under section 7 or 9 of the Code.

5. This Circular is issued with the approval of the competent authority.

Encl : As Above

Yours sincerely,

Sd/-
(M. M. Chaudhari)
Chief General Manager
Tel: 011-23462869



File No. 25/02/2023-NCLT
NATIONAL COMPANY LAW TRIBUNAL

6th Floor, Block-3,
CGO Complex, Lodhi Road,
New Delhi- 110003
Dated: 3rd April 2023

ORDER

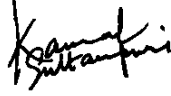
It is brought to the attention of all stakeholders that Regulation 20(1A) has been inserted in the Insolvency and Bankruptcy Board of India (Information Utilities) Regulations, 2017 vide Notification No. IBBI/2022-23/GN/REG085, dated 14th June, 2022. It reads as follows:

20. Acceptance and receipt of information.

[(1A) (Before filing an application to initiate corporate insolvency resolution process under section 7 or 9, as the case may be, the creditor shall file the information of default, with the information utility and the information utility shall process the information for the purpose of issuing record of default in accordance with regulation 21.)]

2. In view of the aforesaid, all the Petitioner(s) of section 7 and 9 under the Insolvency and Bankruptcy Code, 2016 are requested to comply with the above Regulations and produce the record of Information Utility (NeSL certificate) at the earliest for effective hearing of their cases.

This issues with the approval of Hon'ble President, NCLT.


K. Registrar, NCLT

Copy to:-

1. P.S. to Hon'ble President, National Company Law Tribunal, New Delhi.
2. Hon'ble Members, National Company Law Tribunal.
3. NCLT web site/ Notice Board.